

# Knobbe Martens

INTELLECTUAL PROPERTY LAW

KNOBBE MARTENS OLSON & BEAR LLP

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September 18, 2014

**VIA FEDERAL EXPRESS**

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SEP 19 2014

United States Court of Appeals  
For The Federal Circuit

The Honorable Daniel E. O'Toole  
Circuit Executive and Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, D.C. 20439

Re: ***Inova Labs, Inc. v. Inogen, Inc. and Patent Trial and Appeal Board (Fed. Cir.)***  
*Inter Partes* Reexamination Control No. 95/001,885  
U.S. Patent No. 7,841,343  
Our Reference No.: INOGN.017X

Dear Mr. O'Toole:

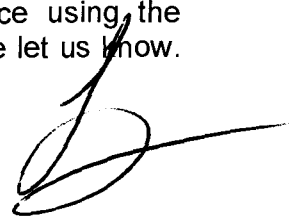
Pursuant to pre-AIA 35 U.S.C. § 315(a)(2) and 37 C.F.R. § 1.983(e), enclosed are four copies of Patent Owner Inogen, Inc.'s Notice of Election to Participate in Appeal to the United States Court of Appeals for the Federal Circuit, in the above-referenced case.

Please return at your earliest convenience a conformed copy to our office using the enclosed prepaid self-addressed FedEx envelope. If you have any questions, please let us know. Thank you.

Respectfully submitted,



Maria Zavala  
Litigation Paralegal



Enclosures

18901424

INOGN.017X

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Geoffrey Frank Deane, et al.  
Reexam Ctrl. No. : 95/001,885  
USPTO  
Appeal No. : 2014-001158  
U.S. Patent No. : 7,841,343  
Reexam Filed : March 1, 2012  
For : SYSTEMS AND METHODS FOR DELIVERING  
THERAPEUTIC GAS TO PATIENTS  
Examiner : Peter C. English  
Group Art Unit : 3993  
Confirmation No. : 5409

**RECEIVED**

SEP 19 2014

United States Court of Appeals  
For The Federal Circuit

**PATENT OWNER'S NOTICE OF ELECTION TO PARTICIPATE  
IN APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Director of the United States Patent and Trademark Office  
Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to pre-AIA 35 U.S.C. § 315(a)(2) and 37 C.F.R. § 1.983(e), Patent Owner Inogen, Inc. ("Patent Owner") hereby provides its written Notice of Election to Participate in the appeal of Third Party Requester Inova Labs, Inc. ("Third Party Requester") to the U.S. Court of Appeals for the Federal Circuit from the July 1, 2014 Decision of the Patent Trial and Appeal Board. On September 5, 2014, Patent Owner's counsel received via electronic mail a copy of a "Petition for Review" from Third Party Requester's counsel. Pursuant to 37 C.F.R. § 1.983(e), a copy of this Notice is being filed with the U.S. Court of Appeals for the Federal Circuit and is being served via first class mail on the Third Party Requester as provided in 37 C.F.R. § 1.248.

Reexam Ctrl. No. : 95/001,885  
USPTO Appeal No. : 2014-001158  
Reexam Filed : March 1, 2012

Patent Owner believes that no fee is due with this filing. However, if a fee is due, please charge Knobbe, Martens, Olson & Bear, LLP, Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 18, 2014

By: /Linda H. Liu/  
Linda H. Liu  
Registration No. 51,240  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

Reexam Ctrl. No. : 95/001,885  
USPTO Appeal No. : 2014-001158  
Reexam Filed : March 1, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2014, a complete copy of the foregoing **PATENT OWNER'S NOTICE OF ELECTION TO PARTICIPATE IN APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT** is being served in its entirety by first class mail and electronic mail upon the current attorneys of record for Third Party Requester Inova Labs, Inc., at the address indicated below:

Eric Meyertons  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
11200 South Capital of Texas Highway, Building 2, Suite 300  
Austin, Texas 78746

Dated: September 18, 2014

By: /Linda H. Liu/  
Linda H. Liu  
Registration No. 51,240  
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Customer No. 20,995  
(949) 760-0404

18900976

**Electronic Acknowledgement Receipt**

<b>EFS ID:</b>	20181812
<b>Application Number:</b>	95001885
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5409
<b>Title of Invention:</b>	SYSTEMS AND METHODS FOR DELIVERING THERAPEUTIC GAS TO PATIENTS
<b>First Named Inventor/Applicant Name:</b>	7,841,343
<b>Customer Number:</b>	20995
<b>Filer:</b>	Linda H. Liu/Mason Leu
<b>Filer Authorized By:</b>	Linda H. Liu
<b>Attorney Docket Number:</b>	INOGN.017X
<b>Receipt Date:</b>	18-SEP-2014
<b>Filing Date:</b>	01-MAR-2012
<b>Time Stamp:</b>	18:02:17
<b>Application Type:</b>	inter partes reexam

**Payment information:**

Submitted with Payment	no
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**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Reexam Miscellaneous Incoming Letter	INOGN_017X.pdf	27431 6a9457a0c0c4a37ca5228d00a0da910b75e a5fbc	no	3

**Warnings:****Information:**

Total Files Size (in bytes):

27431

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.